

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Law & Order - Enquiries – To enquire into the matter leading to abnormal delay of five and half years in execution of the detention order dt.11-8-2006 passed by the Collector & District Magistrate, Chittoor against Sri Anantha Kishore @ Subramanyam of Chittoor District and fixing the responsibility on the officers concerned who failed to execute the order of detention, resulting in its frustration - Orders –issued.

GENERAL ADMINISTRATION (LAW & ORDER-II) DEPARTMENT

G.O.Rt.No. 1253

Date:14.03.2013.
Read the following:-

1. Order of detention passed by the Collector & District Magistrate, Chittoor District, Procdgs in Rc.No.C2/6483/2005,dt.11-8-2006.
2. GO Rt.No.4341, GA (L&O-II)Dept., dt. 21-8-2006.
3. Govt. Wireless Message No.64196/L&O-II/A1/2006, dt.12-4-2007, 25-6-2008 19-11-2008 and 11-2-2009.
4. Govt. Memo No.64196/L&O-II/A1/2006-6, dated: 7-7-2011.
5. From the Supdt.,Central Prison,Cherlapalli, Lr.No.CPCh/Dy.Jr(Det)/1700-1705/2012, dated: 13-2-2012.
6. Govt. Letter No.64196/L&O-II/A1/2006-7, dt. 17-2-2012
7. Orders of the High Court of AP., dt 28-3-2012 in WP No.3856/2012.
8. From the Advocate General, High Court of AP,Hyd., Lr.No.408/2011 dated 23-4-2012.
9. Govt. Memo No.64196/L&O-II/A1/2006-11, dated: 27-5-2012.
10. Orders dt.22-2-2013 in SLP (Crl) CRLMP No.3008/2013 of the Supreme Court of India.
11. From the Spl. Officer for Advocate-on-Record for AP in Supreme Court of India, AP Bhavan, New Delhi. Lr.No.GAD 399/APLC/SA (VS)/2012, dated 27-02-2013.

ORDER:

In the ref. first read above, the Collector & District Magistrate, Chittoor has passed the order of detention under the provisions of A.P. Act 1 of 1986 against Sri Anantha Kishore @ Subramanyam of Chittoor District, who had been indulging in the illegal activities of cutting, storing and transportation of pristine red-sander heard-wood from the Govt. reserved forest, which are prejudicial to maintenance of public order as well as public property. Subsequently, Government approved the said order, vide G.O. second read above. Since the information with regard to execution of the detention order was not made available to Government for taking further action, the Collector & District Magistrate was requested in the ref. 3rd read above to intimate the same. In the ref. fourth read above, he was requested to intimate to the Government, the action taken against the accused under sec. 7 of Act 1 of 1986, if the order of detention could not be executed on the reason that the accused has absconded or concealed himself.

2. In the letter fifth read above, the Superintendent, Central Prison, Cherlapalli, has informed the Govt., that the detenu, by name Sri Anantha Kishore @ Subramanyam of Chittoor District was received on transfer from Sub-Jail Grade-II, Chittoor and detained in Central Prison, Cherlapalli on 13-2-2012. In the ref. sixth read above, the matter was referred to Advisory Board for its review and to submit report.

3. Smt. M. Nirmala, wife of the detenu, Sri Durgam Subramanyam filed W.P. No.3856/2012, challenging the very identity of the detenu and sought for release of her husband. In the ref. seventh read above, the Honble High Court set aside the detention order passed by the Collector & District Magistrate, Chittoor, as approved by the Government and ordered for his release forthwith. While rendering the above judgement, the Hon'ble High Court expressed their displeasure

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about the manner in which the forest officials, in spite of having knowledge about the whereabouts of the detenu, have failed to execute the order of detention against the detenu for more than five and half years and held that the matter has to be enquired into and to take action against the forest officials concerned who failed to discharge their duties, and directed the Chief Secretary to Government to depute a responsible officer to conduct an enquiry into the matter and fix up the responsibility on the officers concerned who failed to execute the order of detention for almost 5 ½ years, resulting in its frustration.

4. In the ref. eighth read above, the Advocate General, who defended the above writ petition, tendered his opinion stating that this is a fit case to carry the matter in appeal to the Supreme Court by way of filing SLP. In the ref. ninth read above, the Collector & District Magistrate, Chittoor, who is the detaining authority in the matter was permitted to carry the matter in Appeal to the Supreme Court against the Judgement of the High Court. The Hon'ble Supreme Court by its order tenth read above, while admitting the SLP directed that the inquiry ordered by the High Court shall be expedited by the Chief Secretary and a report regarding the same submitted to Supreme Court within a period of three months.

5. In compliance of the directions of the Hon'ble Supreme Court, Government hereby appoint Smt. Lakshmi Parthasarathy, IAS., Prl. Secretary to Government, Transport Department, as Enquiry Officer in the matter. She is requested to enquire into the matter and submit her report to Government, within three (3) Weeks.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MINNIE MATHEW
CHIEF SECRETARY TO GOVERNMENT

To
Smt Lakshmi Parthasarathy, IAS.,
Prl. Secretary to Government, Transport Deptt,
A.P. Secretariat, Hyderabad.
Copy to:
The Spl. Chief Secretary to Govt., EFS&T Dept.,
The Prl. Chief Conservator of Forests
(Head of Forest Force), Hyderabad
The Collector & District Magistrate, Chittoor.
The Superintendent of Police, Chittoor
The Advocate-on-Record for AP in Supreme Court,
AP Bhavan, New Delhi.
The PS to Chief Secretary
The PS to Secretary to Government (Poll).
The PA to Dy. Secretary to Govt. (L&O)
Sf/Sc

// FORWARDED:: BY ORDER//

SECTION OFFICER (SC)